

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

HOWARD LEVENTHAL,

Case No. 19-CV-0543 (JNE/KMM)

Petitioner,

v.

**REPORT AND  
RECOMMENDATION**

WARDEN M. RIOS,

Respondent.

---

Petitioner Howard Leventhal asks the Court to order him released to home confinement under the Second Chance Act and the recently enacted First Step Act. (ECF No. 1.) On May 16, 2019, Mr. Leventhal was placed on home confinement. (Supp. Resp., ECF No. 9.) Therefore, Mr. Leventhal has already received the relief he requests in his petition.

For the reasons set forth above, the Court makes the following recommendation: Mr. Leventhal's Petition for Writ of Habeas Corpus (ECF No. 1) should be **DENIED AS MOOT**.

Dated: July 16, 2019

\_\_\_\_\_  
/s/ *Katherine M. Menendez* \_\_\_\_\_  
Katherine M. Menendez  
United States Magistrate Judge

**NOTICE**

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may

respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set for in LR 72.2(c).

**Under Advisement Date:** This Report and Recommendation will be considered under advisement 14 days from the date of its filing. If timely objections are filed, this Report and Recommendation will be considered under advisement from the earlier of: (1) 14 days after the objections are filed; or (2) from the date a timely response is filed.